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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,902	09/28/2001	Makoto Hirota	1232-4775	5673
27123	7590	07/24/2006	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			SHINGLES, KRISTIE D	
			ART UNIT	PAPER NUMBER
			2141	

DATE MAILED: 07/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/966,902

Applicant(s)

HIROTA, MAKOTO

Examiner

Kristie Shingles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2, 6, 8, 9 and 30-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2, 6, 8, 9 and 30-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Claims 2, 8 and 9 have been amended.
Claims 1, 3-5, 7 and 10-29 have been cancelled.
Claims 30-33 are new.

Claims 2, 6, 8, 9 and 30-33 are pending.

Response to Arguments

1. Applicant's arguments, see Remarks page 8, filed 5/5/2006, with respect to the rejection of claims 2, 8 and 9 under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of *Stahl* (USPN 7,072,932).

35 USC § 112

2. Regarding claims 1-3, 5, 7, 8-12, 14, 15, 17 and 24-29, the claim language corrections and claim cancellations are accepted by the Examiner. The 35 U.S.C. 112, first paragraph, rejections are therefore withdrawn.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 2, 6, 8, 9 and 30-33** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Kubota et al* (USPN 5,754,172) in view of *Tsujimoto* (USPN 6,271,841) and further in view of *Stahl* (USPN 7,072,932).

a. **Per claim 2**, *Kubota et al* teach a receiving apparatus, which is communicably connected to a transmitting apparatus that transmits news information that contains text, for receiving the news information from said transmitting apparatus, comprising:

- receiving means for receiving the news information from said transmitting apparatus (col.4 lines 40-53);
- voice output means for outputting the text content of the received news information as a voice in an order predetermined for every genre of news information based upon the content of the news information (Figure 9, col.2 lines 6-65, col.3 lines 19-48, col.4 lines 40-53, col.10 lines 25-52, col.12 lines 51-53, col.14 lines 4-67, col.15 lines 40-55, col.17 lines 50-56; provision for voice output of news information);

Kubota et al fail to explicitly teach display means for displaying an animation, which imitates a speaking individual, in conformity with the output of said voice. However *Tsujimoto* teaches displaying an animation speaking, synchronizing the mouth movements with the voice output (Abstract, Figure 9, col.3 lines 6-29 and 42-59, col.14 lines 9-45). Although *Kubota et al* teach the determining step for determining the degree of importance of the content of the news articles by implementing significance degrees, wherein significance degrees are annexed with news articles for determining the output order of the news data and outputting the news as voice (col.4 lines 57-62, col.14 lines 62-67, col.17 lines 57-67). *Kubota et al* and *Tsujimoto* both fail to explicitly teach determining means, when said receiving means receives

fresh news information, for determining degree of importance of the content of the fresh news information; wherein said voice output means outputs the text content of the fresh news information as a voice preferentially if said determining means determines the degree of importance of the content of the fresh news information is higher than that of the content of the content of other news information which has already been received. However, *Stahl* teaches a system for determining from the user's profile what types of news to deliver as text, audio or video; thus the user is able to receive fresh news, such as local weather and traffic reports, delivered preferentially as audio (Abstract, col.1 lines 37-48, col.2 lines 15-23, col.3 lines 1-12 and 45-59, col.4 line 58-col.5 line 17, col.5 lines 46-57, col.7 lines 27-41).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Kubota et al* and *Tsujimoto* with *Stahl* for the purpose of provisioning preferences to the user, along with animation and designation capabilities for ordering the news data according to their preference and allowing for the designation to be based on the type and relevance of the news information to the user—this gives the user control over the sequencing of the news and allows the user to decide what genre of “fresh” news the user deems important enough to hear before the other news.

b. **Claims 8 and 9** contain limitations that are substantially equivalent to claim 2 and are therefore rejected on the same basis.

c. **Per claim 6**, *Kubota et al* and *Tsujimoto* with *Stahl* teach the apparatus according to claim 2, *Kubota et al* further teach the apparatus, wherein the order is capable of being set by a user (Figure 9, col.2 line 2-col.3 line 48,col.10 line 41-col.11 line 50, col.15 lines 1-56, col.17

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lines 57-67; *Stahl*: Abstract, col.1 lines 37-48, col.2 lines 15-23, col.3 lines 1-12 and 45-59, col.4 line 58-col.5 line 17, col.5 lines 46-57, col.7 lines 27-41).

d. **Per claim 30**, *Kubota et al* and *Tsujimoto* with *Stahl* teach the apparatus according to claim 2, *Kubota et al* further teach wherein it is notified that said voice outputs the text content of the fresh news information as a voice preferentially (col.4 lines 57-62, col.14 lines 62-67, col.17 lines 57-67; *Stahl*: Abstract, col.1 lines 37-48, col.2 lines 15-23, col.3 lines 1-12 and 37-59, col.7 lines 8-19).

e. **Claims 31 and 32** are substantially equivalent to claim 30 and are therefore rejected under the same basis.

f. **Per claim 33**, *Kubota et al* and *Tsujimoto* with *Stahl* teach the apparatus according to claim 2, *Stahl* further teaches wherein said display means displays a caster animation, and the caster animation is changed when said voice output means outputs the text content of the fresh news information as a voice preferentially (col.3 lines 51-59, col.5 lines 46-57, col.7 lines 8-19).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Clarke Jr. et al (6,085,235), Witteman (6,243,676), Thum et al (6,616,700), Shapiro et al (7,035,848), Snyder et al (7,024,677).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday-Friday 8:30-6:00pm.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kristie Shingles
Examiner
Art Unit 2141

kds



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